

26-2-1. Short title.

This chapter is known as the "Utah Vital Statistics Act."

Amended by Chapter 202, 1995 General Session

26-2-2. Definitions.

As used in this chapter:

(1) "Advanced practice registered nurse" means a person licensed to practice as an advanced practice registered nurse in this state under Title 58, Chapter 31b, Nurse Practice Act.

(2) "Custodial funeral service director" means a funeral service director who:

(a) is employed by a licensed funeral establishment; and

(b) has custody of a dead body.

(3) "Dead body" or "decedent" means a human body or parts of the human body from the condition of which it reasonably may be concluded that death occurred.

(4) "Dead fetus" means a product of human conception, other than those circumstances described in Subsection 76-7-301(1):

(a) of 16 weeks' gestation or more, calculated from the date the last normal menstrual period began to the date of delivery; and

(b) that was not born alive.

(5) "Declarant father" means a male who claims to be the genetic father of a child, and, along with the biological mother, signs a voluntary declaration of paternity to establish the child's paternity.

(6) "Dispositioner" means:

(a) a person designated in a written instrument, under Subsection 58-9-602(1), as having the right and duty to control the disposition of the decedent, if the person voluntarily acts as the dispositioner; or

(b) the next of kin of the decedent, if:

(i) (A) a person has not been designated as described in Subsection (6)(a); or

(B) the person described in Subsection (6)(a) is unable or unwilling to exercise the right and duty described in Subsection (6)(a); and

(ii) the next of kin voluntarily acts as the dispositioner.

(7) "File" means the submission of a completed certificate or other similar document, record, or report as provided under this chapter for registration by the state registrar or a local registrar.

(8) "Funeral service director" is as defined in Section 58-9-102.

(9) "Health care facility" is as defined in Section 26-21-2.

(10) "Health care professional" means a physician or nurse practitioner.

(11) "Licensed funeral establishment" means a funeral service establishment, as defined in Section 58-9-102, that is licensed under Title 58, Chapter 9, Funeral Services Licensing Act.

(12) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside of the mother.

(13) "Local registrar" means a person appointed under Subsection 26-2-3(2)(b).

(14) "Nurse practitioner" means an advanced practice registered nurse specializing as a nurse practitioner who has completed an education program regarding

the completion of a certificate of death developed by the department by administrative rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(15) "Physician" means a person licensed to practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.

(16) "Presumed father" means the father of a child conceived or born during a marriage as defined in Section 30-1-17.2.

(17) "Registration" or "register" means acceptance by the local or state registrar of a certificate and incorporation of the certificate into the permanent records of the state.

(18) "State registrar" means the state registrar of vital records appointed under Subsection 26-2-3(1)(e).

(19) "Vital records" means:

(a) registered certificates or reports of birth, death, fetal death, marriage, divorce, dissolution of marriage, or annulment;

(b) amendments to any of the registered certificates or reports described in Subsection (19)(a); and

(c) other similar documents.

(20) "Vital statistics" means the data derived from registered certificates and reports of birth, death, fetal death, induced termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment.

Amended by Chapter 397, 2013 General Session

26-2-3. Department duties and authority.

(1) The department shall:

(a) provide offices properly equipped for the preservation of vital records made or received under this chapter;

(b) establish a statewide vital records system for the registration, collection, preservation, amendment, and certification of vital records and other similar documents required by this chapter and activities related to them, including the tabulation, analysis, and publication of vital statistics;

(c) prescribe forms for certificates, certification, reports, and other documents and records necessary to establish and maintain a statewide system of vital records;

(d) prepare an annual compilation, analysis, and publication of statistics derived from vital records; and

(e) appoint a state registrar to direct the statewide system of vital records.

(2) The department may:

(a) divide the state from time to time into registration districts; and

(b) appoint local registrars for registration districts who under the direction and supervision of the state registrar shall perform all duties required of them by this chapter and department rules.

(3) The state registrar appointed under Subsection (1)(e) shall, during the 2013 interim, report to the Health and Human Services Interim Committee on the feasibility of partnering with the public legal notice website described in Subsection 45-1-101(2)(b) to

create a national putative father registry.

Amended by Chapter 474, 2013 General Session

26-2-4. Content and form of certificates and reports.

(1) Except as provided in Subsection (5), to promote and maintain nationwide uniformity in the vital records system, the forms of certificates, certification, reports, and other documents and records required by this chapter or the rules implementing this chapter shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval, additions, and modifications by the department.

(2) Certificates, certifications, forms, reports, other documents and records, and the form of communications between persons required by this chapter shall be prepared in the format prescribed by department rule.

(3) All vital records shall include the date of filing.

(4) Certificates, certifications, forms, reports, other documents and records, and communications between persons required by this chapter may be signed, filed, verified, registered, and stored by photographic, electronic, or other means as prescribed by department rule.

(5) The state:

(a) may collect the Social Security number of a deceased individual; and

(b) may not include the Social Security number of an individual on a certificate of death.

Amended by Chapter 32, 2007 General Session

26-2-5. Birth certificates -- Execution and registration requirements.

(1) As used in this section, "birthing facility" means a general acute hospital or birthing center as defined in Section 26-21-2.

(2) For each live birth occurring in the state, a certificate shall be filed with the local registrar for the district in which the birth occurred within 10 days following the birth. The certificate shall be registered if it is completed and filed in accordance with this chapter.

(3) (a) For each live birth that occurs in a birthing facility, the administrator of the birthing facility, or his designee, shall obtain and enter the information required under this chapter on the certificate, securing the required signatures, and filing the certificate.

(b) (i) The date, time, place of birth, and required medical information shall be certified by the birthing facility administrator or his designee.

(ii) The attending physician or nurse midwife may sign the certificate, but if the attending physician or nurse midwife has not signed the certificate within seven days of the date of birth, the birthing facility administrator or his designee shall enter the attending physician's or nurse midwife's name and transmit the certificate to the local registrar.

(iii) The information on the certificate about the parents shall be provided and certified by the mother or father or, in their incapacity or absence, by a person with knowledge of the facts.

(4) (a) For live births that occur outside a birthing facility, the birth certificate shall be completed and filed by the physician, nurse, midwife, or other person primarily responsible for providing assistance to the mother at the birth. If there is no such person, either the presumed or declarant father shall complete and file the certificate. In his absence, the mother shall complete and file the certificate, and in the event of her death or disability, the owner or operator of the premises where the birth occurred shall do so.

(b) The certificate shall be completed as fully as possible and shall include the date, time, and place of birth, the mother's name, and the signature of the person completing the certificate.

(5) (a) For each live birth to an unmarried mother that occurs in a birthing facility, the administrator or director of that facility, or his designee, shall:

(i) provide the birth mother and declarant father, if present, with:

(A) a voluntary declaration of paternity form published by the state registrar;

(B) oral and written notice to the birth mother and declarant father of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the declaration; and

(C) the opportunity to sign the declaration;

(ii) witness the signature of a birth mother or declarant father in accordance with Section 78B-15-302 if the signature occurs at the facility;

(iii) enter the declarant father's information on the original birth certificate, but only if the mother and declarant father have signed a voluntary declaration of paternity or a court or administrative agency has issued an adjudication of paternity; and

(iv) file the completed declaration with the original birth certificate.

(b) If there is a presumed father, the voluntary declaration will only be valid if the presumed father also signs the voluntary declaration.

(c) The state registrar shall file the information provided on the voluntary declaration of paternity form with the original birth certificate and may provide certified copies of the declaration of paternity as otherwise provided under Title 78B, Chapter 15, Utah Uniform Parentage Act.

(6) (a) The state registrar shall publish a form for the voluntary declaration of paternity, a description of the process for filing a voluntary declaration of paternity, and of the rights and responsibilities established or effected by that filing, in accordance with Title 78B, Chapter 15, Utah Uniform Parentage Act.

(b) Information regarding the form and services related to voluntary paternity establishment shall be made available to birthing facilities and to any other entity or individual upon request.

(7) The name of a declarant father may only be included on the birth certificate of a child of unmarried parents if:

(a) the mother and declarant father have signed a voluntary declaration of paternity; or

(b) a court or administrative agency has issued an adjudication of paternity.

(8) Voluntary declarations of paternity, adjudications of paternity by judicial or administrative agencies, and voluntary rescissions of paternity shall be filed with and maintained by the state registrar for the purpose of comparing information with the state case registry maintained by the Office of Recovery Services pursuant to Section

62A-11-104.

Amended by Chapter 3, 2008 General Session

26-2-5.5. Requirement to obtain parents' social security numbers.

(1) For each live birth that occurs in this state, the administrator of the birthing facility, as defined in Section 26-2-5, or other person responsible for completing and filing the birth certificate under Section 26-2-5 shall obtain the social security numbers of each parent and provide those numbers to the state registrar.

(2) Each parent shall furnish his or her social security number to the person authorized to obtain the numbers under Subsection (1) unless a court or administrative agency has determined there is good cause for not furnishing a number under Subsection (1).

(3) The state registrar shall, as soon as practicable, supply those social security numbers to the Office of Recovery Services within the Department of Human Services.

(4) The social security numbers obtained under this section may not be recorded on the child's birth certificate.

(5) The state may not use any social security number obtained under this section for any reason other than enforcement of child support orders in accordance with the federal Family Support Act of 1988, Public Law 100-485.

Amended by Chapter 202, 1995 General Session

26-2-6. Foundling certificates.

(1) A foundling certificate shall be filed for each infant of unknown parentage found in the state. The certificate shall be prepared and filed with the local registrar of the district in which the infant was found by the person assuming custody.

(2) The certificate shall be filed within 10 days after the infant is found and is acceptable for all purposes in lieu of a certificate of birth.

Amended by Chapter 202, 1995 General Session

26-2-7. Correction of errors or omissions in vital records.

The department may make rules governing applications to correct alleged errors or omissions on any vital record.

Amended by Chapter 202, 1995 General Session

26-2-8. Birth certificates -- Delayed registration.

(1) When a certificate of birth of a person born in this state has not been filed within the time provided in Subsection 26-2-5(2), a certificate of birth may be filed in accordance with department rules and subject to this section.

(2) (a) The registrar shall mark a certificate of birth as "delayed" and show the date of registration if the certificate is registered one year or more after the date of birth.

(b) The registrar shall abstract a summary statement of the evidence submitted in support of delayed registration onto the certificate.

(3) When the minimum evidence required for delayed registration is not submitted or when the state registrar has reasonable cause to question the validity or adequacy of the evidence supporting the application, and the deficiencies are not corrected, the state registrar:

(a) may not register the certificate; and
(b) shall provide the applicant with a written statement indicating the reasons for denial of registration.

(4) The state registrar has no duty to take further action regarding an application which is not actively pursued.

Amended by Chapter 202, 1995 General Session

26-2-9. Birth certificates -- Petition for issuance of delayed certificate -- Court procedure.

(1) If registration of a certificate of birth under Section 26-2-8 is denied, the person seeking registration may bring an action by a verified petition in the Utah district court encompassing where the petitioner resides or in the district encompassing Salt Lake City. The petition shall request an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

(2) The petition shall be on a form furnished by the state registrar and shall allege:

(a) the person for whom registration of a delayed certificate is sought was born in this state and is still living;

(b) no registered certificate of birth of the person can be found in the state office of vital statistics or the office of any local registrar;

(c) diligent efforts by the petitioner have failed to obtain the evidence required by department rule; and

(d) the state registrar has denied the petitioner's request to register a delayed certificate of birth.

(3) The petition shall be accompanied by a written statement of the state registrar indicating the reasons for denial of registration and all documentary evidence which was submitted in support of registration.

(4) The court shall fix a time and place for hearing the petition and shall give the state registrar 15 days notice of the hearing. The state registrar or his authorized representative may appear and testify at the hearing.

(5) (a) If the court finds the person for whom registration of a certificate of birth is sought under Section 26-2-8 was born in this state, it shall make findings as to the place and date of birth, parentage, and other findings as may be required and shall issue an order, on a form prescribed and furnished by the state registrar, to establish a court-ordered delayed certificate of birth. The order shall include the birth data to be registered, a description of the evidence presented, and the date of the court's action.

(b) The clerk of the court shall forward each order to the state registrar not later than the tenth day of the calendar month following the month in which the order was entered. The order shall be registered by the state registrar and constitutes the certificate of birth.

Amended by Chapter 202, 1995 General Session

26-2-10. Supplementary certificate of birth.

(1) Any person born in this state who is legitimized by the subsequent marriage of his natural parents, or whose parentage has been determined by any U.S. state court or Canadian provincial court having jurisdiction, or who has been legally adopted under the law of this or any other state or any province of Canada, may request the state registrar to register a supplementary certificate of birth on the basis of that status.

(2) The application for registration of a supplementary certificate may be made by the person requesting registration, if he is of legal age, by a legal representative, or by any agency authorized to receive children for placement or adoption under the laws of this or any other state.

(3) (a) The state registrar shall require that an applicant submit identification and proof according to department rules.

(b) In the case of an adopted person, that proof may be established by order of the court in which the adoption proceedings were held.

(4) (a) After the supplementary certificate is registered, any information disclosed from the record shall be from the supplementary certificate.

(b) Access to the original certificate and to the evidence submitted in support of the supplementary certificate are not open to inspection except upon the order of a Utah district court or as provided under Section 78B-6-144.

Amended by Chapter 3, 2008 General Session

26-2-11. Name or sex change -- Registration of court order and amendment of birth certificate.

(1) When a person born in this state has a name change or sex change approved by an order of a Utah district court or a court of competent jurisdiction of another state or a province of Canada, a certified copy of the order may be filed with the state registrar with an application form provided by the registrar.

(2) (a) Upon receipt of the application, a certified copy of the order, and payment of the required fee, the state registrar shall review the application, and if complete, register it and note the fact of the amendment on the otherwise unaltered original certificate.

(b) The amendment shall be registered with and become a part of the original certificate and a certified copy shall be issued to the applicant without additional cost.

Amended by Chapter 202, 1995 General Session

26-2-12.5. Certified copies of birth certificates -- Fees credited to Children's Account.

(1) In addition to the fees provided for in Section 26-1-6, the department and local registrars authorized to issue certified copies shall charge an additional \$3 fee for each certified copy of a birth certificate, including certified copies of supplementary and amended birth certificates, under Sections 26-2-8 through 26-2-11. This additional fee may be charged only for the first copy requested at any one time.

(2) The fee shall be transmitted monthly to the state treasurer and credited to the Children's Account established in Section 62A-4a-309.

Amended by Chapter 278, 2010 General Session

26-2-13. Certificate of death -- Execution and registration requirements.

(1) (a) A certificate of death for each death that occurs in this state shall be filed with the local registrar of the district in which the death occurs, or as otherwise directed by the state registrar, within five days after death and prior to the decedent's interment, any other disposal, or removal from the registration district where the death occurred.

(b) A certificate of death shall be registered if the certificate of death is completed and filed in accordance with this chapter.

(2) (a) If the place of death is unknown but the dead body is found in this state:

(i) the certificate of death shall be completed and filed in accordance with this section; and

(ii) the place where the dead body is found shall be shown as the place of death.

(b) If the date of death is unknown, the date shall be determined by approximation.

(3) (a) When death occurs in a moving conveyance in the United States and the decedent is first removed from the conveyance in this state:

(i) the certificate of death shall be filed with:

(A) the local registrar of the district where the decedent is removed; or

(B) a person designated by the state registrar; and

(ii) the place where the decedent is removed shall be considered the place of death.

(b) When a death occurs on a moving conveyance outside the United States and the decedent is first removed from the conveyance in this state:

(i) the certificate of death shall be filed with:

(A) the local registrar of the district where the decedent is removed; or

(B) a person designated by the state registrar; and

(ii) the certificate of death shall show the actual place of death to the extent it can be determined.

(4) (a) Subject to Subsections (4)(d) and (10), a custodial funeral service director or, if a funeral service director is not retained, a dispositioner shall sign the certificate of death.

(b) The custodial funeral service director, an agent of the custodial funeral service director, or, if a funeral service director is not retained, a dispositioner shall:

(i) file the certificate of death prior to any disposition of a dead body or fetus; and

(ii) obtain the decedent's personal data from the next of kin or the best qualified person or source available, including the decedent's Social Security number, if known.

(c) The certificate of death may not include the decedent's Social Security number.

(d) A dispositioner may not sign a certificate of death, unless the signature is witnessed by the state registrar or a local registrar.

(5) (a) Except as provided in Section 26-2-14, fetal death certificates, the medical section of the certificate of death shall be completed, signed, and returned to the funeral service director, or, if a funeral service director is not retained, a dispositioner, within 72 hours after death by the health care professional who was in charge of the decedent's care for the illness or condition which resulted in death, except when inquiry is required by Title 26, Chapter 4, Utah Medical Examiner Act.

(b) In the absence of the health care professional or with the health care professional's approval, the certificate of death may be completed and signed by an associate physician, the chief medical officer of the institution in which death occurred, or a physician who performed an autopsy upon the decedent, if:

- (i) the person has access to the medical history of the case;
- (ii) the person views the decedent at or after death; and
- (iii) the death is not due to causes required to be investigated by the medical examiner.

(6) When death occurs more than 30 days after the decedent was last treated by a health care professional, the case shall be referred to the medical examiner for investigation to determine and certify the cause, date, and place of death.

(7) When inquiry is required by Title 26, Chapter 4, Utah Medical Examiner Act, the medical examiner shall make an investigation and complete and sign the medical section of the certificate of death within 72 hours after taking charge of the case.

(8) If the cause of death cannot be determined within 72 hours after death:

(a) the medical section of the certificate of death shall be completed as provided by department rule;

(b) the attending health care professional or medical examiner shall give the funeral service director, or, if a funeral service director is not retained, a dispositioner, notice of the reason for the delay; and

(c) final disposition of the decedent may not be made until authorized by the attending health care professional or medical examiner.

(9) (a) When a death is presumed to have occurred within this state but the dead body cannot be located, a certificate of death may be prepared by the state registrar upon receipt of an order of a Utah district court.

(b) The order described in Subsection (9)(a) shall include a finding of fact stating the name of the decedent, the date of death, and the place of death.

(c) A certificate of death prepared under Subsection (9)(a) shall:

- (i) show the date of registration; and
- (ii) identify the court and the date of the order.

(10) It is unlawful for a dispositioner to charge for or accept any remuneration for:

- (a) signing a certificate of death; or
- (b) performing any other duty of a dispositioner, as described in this section.

Amended by Chapter 66, 2009 General Session

Amended by Chapter 68, 2009 General Session

26-2-14. Fetal death certificate -- Filing and registration requirements.

(1) A fetal death certificate shall be filed for each fetal death which occurs in this

state. The certificate shall be filed within five days after delivery with the local registrar or as otherwise directed by the state registrar. The certificate shall be registered if it is completed and filed in accordance with this chapter.

(2) When a dead fetus is delivered in an institution, the institution administrator or his designated representative shall prepare and file the fetal death certificate. The attending physician shall state in the certificate the cause of death and sign the certificate.

(3) When a dead fetus is delivered outside an institution, the physician in attendance at or immediately after delivery shall complete, sign, and file the fetal death certificate.

(4) When a fetal death occurs without medical attendance at or immediately after the delivery or when inquiry is required by Title 26, Chapter 4, Utah Medical Examiner Act, the medical examiner shall investigate the cause of death and prepare and file the certificate of fetal death within five days after taking charge of the case.

(5) When a fetal death occurs in a moving conveyance and the dead fetus is first removed from the conveyance in this state or when a dead fetus is found in this state and the place of death is unknown, the death shall be registered in this state. The place where the dead fetus was first removed from the conveyance or found shall be considered the place of death.

(6) Final disposition of the dead fetus may not be made until the fetal death certificate has been registered.

Amended by Chapter 202, 1995 General Session

26-2-14.1. Certificate of birth resulting in stillbirth.

(1) For purposes of this section and Section 26-2-14.2, "stillbirth" and "stillborn child" shall have the same meaning as "dead fetus" in Section 26-2-2.

(2) (a) In addition to the requirements of Section 26-2-14, the state registrar shall establish a certificate of birth resulting in stillbirth on a form approved by the state registrar for each stillbirth occurring in this state.

(b) This certificate shall be offered to the parent or parents of a stillborn child.

(3) The certificate of birth resulting in stillbirth shall meet all of the format and filing requirements of Sections 26-2-4 and 26-2-5, relating to a live birth.

(4) The person who prepares a certificate pursuant to this section shall leave blank any references to the stillborn child's name if the stillborn child's parent or parents do not wish to provide a name for the stillborn child.

(5) Notwithstanding Subsections (2) and (3), the certificate of birth resulting in stillbirth shall be filed with the designated registrar within 10 days following the delivery and prior to cremation or removal of the fetus from the registration district.

Enacted by Chapter 69, 2002 General Session

26-2-14.2. Delayed registration of birth resulting in stillbirth.

When a birth resulting in stillbirth occurring in this state has not been registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered in accordance with department rule relating to evidentiary and other

requirements sufficient to substantiate the alleged facts of birth resulting in stillbirth.

Enacted by Chapter 69, 2002 General Session

26-2-15. Petition for establishment of unregistered birth or death -- Court procedure.

(1) A person holding a direct, tangible, and legitimate interest as described in Subsection 26-2-22(2)(a) or (b) may petition for a court order establishing the fact, time, and place of a birth or death that is not registered or for which a certified copy of the registered birth or death certificate is not obtainable. The person shall verify the petition and file it in the Utah district court for the county where:

- (a) the birth or death is alleged to have occurred;
- (b) the person resides whose birth is to be established; or
- (c) the decedent named in the petition resided at the date of death.

(2) In order for the court to have jurisdiction, the petition shall:

- (a) allege the date, time, and place of the birth or death; and
- (b) state either that no certificate of birth or death has been registered or that a copy of the registered certificate cannot be obtained.

(3) The court shall set a hearing for five to 10 days after the filing of the petition.

(4) (a) If the time and place of birth or death are in question, the court shall hear available evidence and determine the time and place of the birth or death.

(b) If the time and place of birth or death are not in question, the court shall determine the time and place of birth or death to be those alleged in the petition.

(5) A court order under this section shall be made on a form prescribed and furnished by the department and is effective upon the filing of a certified copy of the order with the state registrar.

(6) (a) For purposes of this section, the birth certificate of an adopted alien child, as defined in Section 78B-6-108, is considered to be unobtainable if the child was born in a country that is not recognized by department rule as having an established vital records registration system.

(b) If the adopted child was born in a country recognized by department rule, but a person described in Subsection (1) is unable to obtain a certified copy of the birth certificate, the state registrar shall authorize the preparation of a birth certificate if he receives a written statement signed by the registrar of the child's birth country stating a certified copy of the birth certificate is not available.

Amended by Chapter 3, 2008 General Session

26-2-16. Certificate of death -- Duties of a custodial funeral service director, an agent of a funeral service director, or a dispositioner -- Medical certification -- Records of funeral service director or dispositioner -- Information filed with local registrar -- Unlawful signing of certificate of death.

(1) The custodial funeral service director or, if a funeral service director is not retained, a dispositioner shall sign the certificate of death prior to any disposition of a dead body or dead fetus.

(2) The custodial funeral service director, an agent of the custodial funeral

service director, or, if a funeral service director is not retained, a dispositioner shall:

(a) obtain personal and statistical information regarding the decedent from the available persons best qualified to provide the information;

(b) present the certificate of death to the attending health care professional, if any, or to the medical examiner who shall certify the cause of death and other information required on the certificate of death;

(c) provide the address of the custodial funeral service director or, if a funeral service director is not retained, a dispositioner;

(d) certify the date and place of burial; and

(e) file the certificate of death with the state or local registrar.

(3) A funeral service director, dispositioner, embalmer, or other person who removes a dead body or dead fetus from the place of death or transports or is in charge of final disposal of a dead body or dead fetus, shall keep a record identifying the dead body or dead fetus, and containing information pertaining to receipt, removal, and delivery of the dead body or dead fetus as prescribed by department rule.

(4) (a) Not later than the tenth day of each month, every licensed funeral service establishment shall send to the local registrar and the department a list of the information required in Subsection (3) for each casket furnished and for funerals performed when no casket was furnished, during the preceding month.

(b) The list described in Subsection (4)(a) shall be in the form prescribed by the state registrar.

(5) Any person who intentionally signs the portion of a certificate of death that is required to be signed by a funeral service director or a dispositioner under Subsection (1) is guilty of a class B misdemeanor, unless the person:

(a) (i) is a funeral service director; and

(ii) is employed by a licensed funeral establishment; or

(b) is a dispositioner, if a funeral service director is not retained.

(6) The state registrar shall post information on the state registrar's website, providing instructions to a dispositioner for complying with the requirements of law relating to the dispositioner's responsibilities for:

(a) completing and filing a certificate of death; and

(b) possessing, transporting, and disposing of a dead body or dead fetus.

(7) The provisions of this chapter shall be construed to avoid interference, to the fullest extent possible, with the ceremonies, customs, rites, or beliefs of the decedent and the decedent's next of kin for disposing of a dead body or dead fetus.

Amended by Chapter 66, 2009 General Session

Amended by Chapter 68, 2009 General Session

26-2-17. Certificate of death -- Registration prerequisite to interment -- Burial-transit permits -- Procedure where body donated under anatomical gift law -- Permit for disinterment.

(1) A dead body or dead fetus may not be interred or otherwise disposed of or removed from the registration district in which death or fetal death occurred or the remains are found until a certificate of death is registered.

(2) For deaths or fetal deaths which occur in this state, no burial-transit permit is

required for final disposition of the remains if:

(a) disposition occurs in the state and is performed by a funeral service director;
or

(b) the disposition takes place with authorization of the next of kin and in a general acute hospital, as defined in Section 26-21-2, that is licensed by the department, or in a pathology laboratory operated under contract with a general acute hospital licensed by the department.

(3) A burial-transit permit shall be issued by the local registrar of the district where the certificate of death or fetal death is registered:

(a) for dead bodies or fetuses to be transported out of the state for final disposition; or

(b) when disposition is made by a person other than a funeral service director.

(4) A burial-transit permit issued under the law of another state which accompanies a dead body or dead fetus brought into this state is authority for final disposition of the dead body or dead fetus in this state.

(5) When a dead body or dead fetus or any part of the dead body or dead fetus has been donated under the Revised Uniform Anatomical Gift Act or similar laws of another state and the preservation of the gift requires the immediate transportation of the dead body, dead fetus, or any part of the body or fetus outside of the registration district in which death occurs or the remains are found, or into this state from another state, the dead body or dead fetus or any part of the body or fetus may be transported and the burial-transit permit required by this section obtained within a reasonable time after transportation.

(6) A permit for disinterment and reinterment is required prior to disinterment of a dead body or dead fetus, except as otherwise provided by statute or department rule.

Amended by Chapter 60, 2007 General Session

26-2-18. Interments -- Duties of sexton or person in charge -- Record of interments -- Information filed with local registrar.

(1) (a) A sexton or person in charge of any premises in which interments are made may not inter or permit the interment of any dead body or dead fetus unless the interment is made by a funeral service director or by a person holding a burial-transit permit.

(b) The right and duty to control the disposition of a deceased person shall be governed by Sections 58-9-601 through 58-9-604.

(2) (a) The sexton or the person in charge of any premises where interments are made shall keep a record of all interments made in the premises under his charge, stating the name of the decedent, place of death, date of burial, and name and address of the funeral service director or other person making the interment.

(b) The record described in this Subsection (2) shall be open to public inspection.

(c) A city or county clerk may, at the clerk's option, maintain the interment records described in this Subsection (2) on behalf of the sexton or person in charge of any premises in which interments are made.

(3) (a) Not later than the tenth day of each month, the sexton, person in charge

of the premises, or city or county clerk who maintains the interment records shall send to the local registrar and the department a list of all interments made in the premises during the preceding month.

(b) The list described in Subsection (3)(a) shall be in the form prescribed by the state registrar.

Amended by Chapter 56, 2006 General Session

26-2-18.5. Rendering a dead body unavailable for postmortem investigation.

(1) As used in this section:

(a) "Medical examiner" is as defined in Section 26-4-2.

(b) "Unavailable for postmortem investigation" is as defined in Section 26-4-2.

(2) It is unlawful for a person to engage in any conduct that makes a dead body unavailable for postmortem investigation, unless, before engaging in that conduct, the person obtains a permit from the medical examiner to render the dead body unavailable for postmortem investigation, under Section 26-4-29.

(3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

(4) If a person engages in conduct that constitutes both a violation of this section and a violation of Section 76-9-704, the provisions and penalties of Section 76-9-704 supercede the provisions and penalties of this section.

Enacted by Chapter 223, 2009 General Session

26-2-19. Rules of department for transmittal of certificates and keeping of records by local registrar.

Each local registrar shall transmit all records registered by him to the department in accordance with department rules. The manner of keeping local copies of vital records and the uses of them shall be prescribed by department rules.

Amended by Chapter 202, 1995 General Session

26-2-21. Local registrars authorized to issue certified copies of records.

The state registrar may authorize local registrars to issue certified copies of vital records.

Amended by Chapter 202, 1995 General Session

26-2-22. Inspection of vital records.

(1) (a) The vital records shall be open to inspection, but only in compliance with the provisions of this chapter, department rules, and Section 78B-6-144.

(b) It is unlawful for any state or local officer or employee to disclose data contained in vital records contrary to this chapter or department rule.

(c) A custodian of vital records may permit inspection of a vital record or issue a certified copy of a record or a part of a record when the custodian is satisfied that the applicant has demonstrated a direct, tangible, and legitimate interest.

- (2) A direct, tangible, and legitimate interest in a vital record is present only if:
- (a) the request is from:
 - (i) the subject;
 - (ii) a member of the subject's immediate family;
 - (iii) the guardian of the subject;
 - (iv) a designated legal representative of the subject; or
 - (v) a person, including a child-placing agency as defined in Section 78B-6-103, with whom a child has been placed pending finalization of an adoption of the child;
 - (b) the request involves a personal or property right of the subject of the record;
 - (c) the request is for official purposes of a public health authority or a state, local, or federal governmental agency;
 - (d) the request is for a statistical or medical research program and prior consent has been obtained from the state registrar; or
 - (e) the request is a certified copy of an order of a court of record specifying the record to be examined or copied.
- (3) For purposes of Subsection (2):
- (a) "immediate family member" means a spouse, child, parent, sibling, grandparent, or grandchild;
 - (b) a designated legal representative means an attorney, physician, funeral service director, genealogist, or other agent of the subject or the subject's immediate family who has been delegated the authority to access vital records;
 - (c) except as provided in Title 78B, Chapter 6, Part 1, Utah Adoption Act, a parent, or the immediate family member of a parent, who does not have legal or physical custody of or visitation or parent-time rights for a child because of the termination of parental rights pursuant to Title 78A, Chapter 6, Juvenile Court Act of 1996, or by virtue of consenting to or relinquishing a child for adoption pursuant to Title 78B, Chapter 6, Part 1, Utah Adoption Act, may not be considered as having a direct, tangible, and legitimate interest; and
 - (d) a commercial firm or agency requesting names, addresses, or similar information may not be considered as having a direct, tangible, and legitimate interest.
- (4) Upon payment of a fee established in accordance with Section 63J-1-504, the following records shall be available to the public:
- (a) except as provided in Subsection 26-2-10(4)(b), a birth record, excluding confidential information collected for medical and health use, if 100 years or more have passed since the date of birth;
 - (b) a death record if 50 years or more have passed since the date of death; and
 - (c) a vital record not subject to Subsection (4)(a) or (b) if 75 years or more have passed since the date of the event upon which the record is based.

Amended by Chapter 391, 2012 General Session

26-2-23. Records required to be kept by health care institutions -- Information filed with local registrar and department.

(1) (a) All administrators or other persons in charge of hospitals, nursing homes, or other institutions, public or private, to which persons resort for treatment of diseases, confinements, or are committed by law, shall record all the personal and statistical

information about patients of their institutions as required in certificates prescribed by this chapter.

(b) The information described in Subsection (1)(a) shall:

(i) be recorded for collection at the time of admission of a patient;

(ii) be obtained from the patient, if possible; and

(iii) if the information cannot be obtained from the patient, the information shall be secured in as complete a manner as possible from other persons acquainted with the facts.

(2) (a) When a dead body or dead fetus is released or disposed of by an institution, the person in charge of the institution shall keep a record showing:

(i) the name of the deceased;

(ii) the date of death of the deceased;

(iii) the name and address of the person to whom the dead body or dead fetus is released; and

(iv) the date that the dead body or dead fetus is removed from the institution.

(b) If final disposal is by the institution, the date, place, manner of disposition, and the name of the person authorizing disposition shall be recorded by the person in charge of the institution.

(3) Not later than the tenth day of each month, the administrator of each institution shall cause to be sent to the local registrar and the department a list of all births, deaths, fetal deaths, and induced abortions occurring in the institution during the preceding month. The list shall be in the form prescribed by the state registrar.

(4) A person or institution who, in good faith, releases a dead body or dead fetus, under this section, to a funeral service director or a dispositioner is immune from civil liability connected, directly or indirectly, with release of the dead body or dead fetus.

Amended by Chapter 68, 2009 General Session

26-2-24. Marriage licenses -- Execution and filing requirements.

The state registrar shall supply county clerks with application forms for marriage licenses. Completed applications shall be transmitted by the clerks to the state registrar monthly. The personal identification information contained on each application for a marriage license filed with the county clerk shall be entered on a form supplied by the state registrar. The person performing the marriage shall furnish the date and place of marriage and his name and address. The form shall be completed and certified by the county clerk before it is filed with the state registrar.

Amended by Chapter 202, 1995 General Session

26-2-25. Divorce or adoption -- Duty of court clerk to file certificates or reports.

(1) (a) For each adoption, annulment of adoption, divorce, and annulment of marriage ordered or decreed in this state, the clerk of the court shall prepare a divorce certificate or report of adoption on a form furnished by the state registrar. The petitioner shall provide the information necessary to prepare the certificate or report when he files

the petition with the clerk.

(b) The clerk shall prepare the certificate or report and, immediately after the decree or order becomes final, shall complete the remaining entries. On or before the 15th day of each month, the clerk shall forward the divorce certificates and reports of adoption completed by him during the preceding month to the state registrar.

(2) If there is filed with the clerk of the court in an adoption proceeding a written consent to adoption by an agency licensed under the laws of the state to receive children for placement or adoption, the agency by its authorized representative shall prepare and complete the report of adoption and forward it to the state registrar immediately after entry of the decree of adoption.

Amended by Chapter 202, 1995 General Session

26-2-26. Certified copies of vital records -- Preparation by state and local registrars -- Evidentiary value.

(1) The state registrar and local registrars authorized by the department under Section 26-2-21 may prepare typewritten, photographic, electronic, or other reproductions of vital records and certify their correctness.

(2) Certified copies of the vital record, or authorized reproductions of the original, issued by either the state registrar or a designated local registrar are prima facie evidence in all courts of the state with like effect as the vital record.

Amended by Chapter 202, 1995 General Session

26-2-27. Identifying birth certificates of missing persons -- Procedures.

(1) As used in this section:

(a) "Division" means the Criminal Investigations and Technical Services Division, Department of Public Safety, in Title 53, Chapter 10, Criminal Investigation and Technical Services Act.

(b) "Missing child" means a person younger than 18 years of age who is missing from the person's home environment or a temporary placement facility for any reason, and whose whereabouts cannot be determined by the person responsible for the child's care.

(c) "Missing person" means a person who:

(i) is missing from the person's home environment; and

(ii) (A) has a physical or mental disability;

(B) is missing under circumstances that indicate that the person is endangered, missing involuntarily, or a victim of a catastrophe; or

(C) is a missing child.

(2) (a) In accordance with Section 53-10-203, upon the state registrar's notification by the division that a person who was born in this state is missing, the state and local registrars shall flag the registered birth certificate of that person so that when a copy of the registered birth certificate or information regarding the birth record is requested, the state and local registrars are alerted to the fact the registered birth certificate is that of a missing person.

(b) Upon notification by the division the missing person has been recovered, the

state and local registrars shall remove the flag from that person's registered birth certificate.

(3) The state and local registrars may not provide a copy of a registered birth certificate of any person whose record is flagged under Subsection (2), except as approved by the division.

(4) (a) When a copy of the registered birth certificate of a person whose record has been flagged is requested in person, the state or local registrar shall require that person to complete a form supplying that person's name, address, telephone number, and relationship to the missing person, and the name and birth date of the missing person.

(b) The state or local registrar shall inform the requester that a copy of the registered birth certificate will be mailed to the requester.

(c) The state or local registrar shall note the physical description of the person making the request, and shall immediately notify the division of the request and the information obtained pursuant to this Subsection (4).

(5) When a copy of the registered birth certificate of a person whose record has been flagged is requested in writing, the state or local registrar or personnel of the state or local registrar shall immediately notify the division, and provide it with a copy of the written request.

Amended by Chapter 366, 2011 General Session

26-2-28. Birth certificate for foreign adoptees.

Upon presentation of a court order of adoption and an order establishing the fact, time, and place of birth under Section 26-2-15, the department shall prepare a birth certificate for any person who:

- (1) was adopted under the laws of this state; and
- (2) was at the time of adoption considered an alien child for whom the court received documentary evidence of legal residence under Section 78B-6-108.

Amended by Chapter 3, 2008 General Session